

**Notice of Allowability**

Application No.

09/808,970

Examiner

Jean C. Witz

Applicant(s)

MOORTY ET AL.

Art Unit

1651

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 9/3/03.
2. ☒ The allowed claim(s) is/are 1-5, 7-9, 11-21 and 26.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

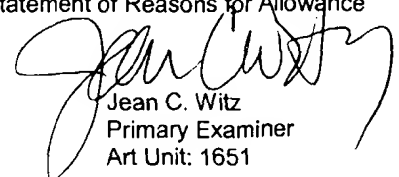
7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____    |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No. _____  | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment         |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9 <input type="checkbox"/> Other   |

  
Jean C. Witz  
Primary Examiner  
Art Unit: 1651

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.


The application has been amended as follows:

This application is in condition for allowance except for the presence of claims 24-25, drawn to the invention of Group II, non-elected without traverse. Accordingly, claims 24-25 have been cancelled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean C. Witz whose telephone number is (703) 308-3073. The examiner can normally be reached on 6:30 a.m. to 4:00 p.m. M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on (703) 308-4743. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.



Jean C. Witz  
Primary Examiner  
Art Unit 1651

CLAIMS PTO

GJT

1. (Previously Amended) An emulsion comprising a biologically effective amount of azadirachtin in an essential oil, and a surface active agent, wherein said emulsion is made from naturally occurring materials and is devoid of synthetic compounds.

2. (Previously Amended) The emulsion of claim 1, wherein said biologically effective amount of azadirachtin is from about 0.2% (w/w) to about 15% (w/w).

3. (Previously Amended) The emulsion of claim 2, wherein said amount of azadirachtin is from about 0.2% (w/w) to about 1% (w/w).

4. (Previously Amended) The emulsion of claim 2, wherein said amount of azadirachtin is from about 2% (w/w) to about 10% (w/w).

5. (Previously Amended) The emulsion of claim 4, wherein said amount of azadirachtin is about 5% (w/w).

6.  
7. (Previously Amended) The emulsion of claim 1, wherein said surface active agent is saponin or a saponogenin.

~~7~~  
~~8~~. (Previously Amended) The emulsion of claim 1, wherein said surface active agent is obtained from the plant of the genus Saponaria, Quillaja, Chlorogalum, or Sapindus.

~~8~~  
~~9~~. (Previously Amended) The emulsion of claim 1, wherein said surface active agent is a lecithin.

~~9~~  
~~11~~. (Previously Amended) The emulsion of claim 1, wherein the amount of surface active agent is from about 10% (w/w) to about 50% (w/w).

~~10~~  
~~12~~. (Previously Amended) The emulsion of claim ~~11~~<sup>9</sup>, wherein said amount of surface active agent is from about 15% (w/w) to about 25% (w/w).

~~11~~  
~~13~~. (Previously Amended) The emulsion of claim ~~12~~<sup>10</sup>, wherein said amount of surface active agent is about 20% (w/w).

~~12~~  
~~14~~. (Previously Amended) The emulsion of claim 1, further comprising an anti-oxidant.

~~13~~  
~~15~~. (Previously Amended) The emulsion of claim ~~14~~<sup>12</sup>, wherein said anti-oxidant is selected from the group consisting of vitamin C, tocopherol and grape

Art Unit: 1600

<sup>14</sup>  
~~16~~. (Previously Amended) The emulsion of claim <sup>12</sup>~~14~~, wherein said anti-oxidant is obtained from a plant of the genus Zingiber or Curcuma.

<sup>15</sup>  
~~17~~. (Previously Amended) The emulsion of claim <sup>12</sup>~~14~~, wherein the amount of anti-oxidant is from about 0.5% (w/w) to about 20% (w/w).

<sup>16</sup>  
~~18~~. (Previously Amended) The emulsion of claim <sup>15</sup>~~17~~, wherein said amount is about 10% (w/w).

<sup>17</sup>  
~~19~~. (Previously Amended) The emulsion of claim 1, further comprising an ultraviolet light blocking or absorbing agent.

<sup>18</sup>  
~~20~~. (Previously Amended) The emulsion of claim <sup>17</sup>~~19~~, wherein said agent is a vegetable oil.

<sup>19</sup>  
~~21~~. (Previously Amended) The emulsion of claim <sup>17</sup>~~19~~, wherein the amount of said agent is from about 10% (w/w) to about 15% (w/w).

<sup>20</sup>  
~~22~~. (Previously Amended) An insecticidal composition comprising a naturally occurring azadirachtin and an essential oil and an emulsification medium comprising a naturally occurring surface active agent and a naturally occurring ultraviolet light blocking or absorbing agent.